

## **REMARKS**

Claims 57-78 remain in this application. The Applicants respectfully request reconsideration of this application in view of the above amendments and the following remarks.

### **Drawings**

The Examiner has objected to the drawings. Formal drawings incorporating the changes suggested by the Examiner were previously submitted on 10/28/2004. Therefore the objections should be withdrawn.

### **Specification**

The Examiner has objected to the abstract. Applicants have amended the abstract. Therefore the objection should be withdrawn.

The Examiner has objected to the brief descriptions of Figs. 5, 6, 7, 9, and 12 for including the term "form". Applicants respectfully submit that the term "form" is correct. Therefore, the brief descriptions have not been amended.

The Examiner has objected to Fig. 7, most notably block 760. The Applicants have carefully reviewed the description of Fig. 7 including the description of block 760. Applicants submit that this description is sufficient and that no amendment is required. Applicants request that the Examiner carefully re-read this section in order that it may be properly understood. As discussed, the manifest may include identifiers for content portions. If an identifier included in the manifest does not correspond to an identifier of a received content portion, then the content portion corresponding to the identifier of the manifest may not have been properly received and may be recorded as missing. Further,

as discussed, this method is just one embodiment, and does not limit the scope of the invention.

### **Claim Objections**

The Examiner has objected to claim 43. Applicants submit that claim 43 has been cancelled, therefore the objection is moot.

### **Claim Rejections - 35 U.S.C. §112**

The Examiner has rejected claims 6, 9-13 and 30-56 under 35 U.S.C. §112 as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As discussed above, Applicants do not agree with this rejection. Nevertheless, these claims have been cancelled herein. Therefore the rejection is believed to be moot.

### **35 U.S.C. §102(b) Rejection – Blackwell et al.**

The Examiner has rejected claims 6, 9-13, 30, 31, 33-35, 37-41, 43, 46, 47, 49, 50 and 53-55 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,085,253 issued to Blackwell et al. ("Blackwell").

Without admitting the appropriateness of the rejection, Applicants submit that these claims have been cancelled. Therefore, the rejection is believed to be moot.

### 35 U.S.C. §103(a) Rejection - Blackwell et al.

The Examiner has rejected claims 36 and 51 under 35 U.S.C. §103(a) as being unpatentable over Blackwell.

Without admitting the appropriateness of the rejection, Applicants submit that these claims have been cancelled. Therefore, the rejection is believed to be moot.

### New Claims Believed To Be Allowable

Claim 57 recites a method comprising at least “*determining a subset of digital television data that is indicated to be missing for the plurality of reception systems to be re-transmitted*”. Blackwell does not teach or suggest determining a **subset** of digital television data that is indicated to be missing for multiple reception systems to be re-transmitted. Accordingly, claim 57 and its dependent claims are believed to be allowable.

Claim 75 is a Beauregard-type claim that is believed to be allowable for reasons similar to those discussed above for claim 57. Claims 76-78 depend from claim 75 and are believed to be allowable therefore, as well as for the recitations independently set forth therein.

Claim 68 recites a method comprising at least “*accessing a user preference*” and “*transmitting feedback indicating the missing content and indicating the user preference*”. Blackwell does not teach or suggest accessing a **user preference** and transmitting feedback indicating the missing content and **indicating the user preference**. Accordingly, claim 68 and its dependent claims are believed to be allowable.

### **Conclusion**

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance. Applicants respectfully request that the rejections be withdrawn and the claims be allowed at the earliest possible date.

### **Request For Telephone Interview**

The Examiner is invited to call Brent E. Vecchia at (303) 740-1980 if there remains any issue with allowance of the case.

### **Request For An Extension Of Time**

The Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17 for such an extension.

### **Charge Our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,  
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